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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,020	01/15/2002	William Kress Bodin	AUS920010777US1	5700
34533	7590	10/04/2006	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			LIN, KELVIN Y	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/047,020

Applicant(s)

BODIN ET AL.

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks from page 2 to 5, filed on July 5, 2006, with respect to the rejection(s) of claim(s) 1-15 under 35 USC 103(a) as the combination of Maekawa in view of Moyer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Elson et al., (USPGPUB No. 20030014521).

### ***Claim Objections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 depends on method of claim 9 is incorrect. It should depend on system of claim 9.
3. Page numbers of claims are out of sequence.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-15 are rejected under 35 USC 102(e) as being anticipated by Elson et al., (USPGPUB No. 20030014521).
2. Regarding claims 1-5, claiming for method of control of collaborative device, have limitations corresponding to system claims 6-10. Therefore, claims 1-5 are rejected for the same reasons set forth in the rejection of claims 6-10.
3. Regarding claim 6, Elson teaches a system of control of collaborative devices, the system comprising:
  - at least two collaborative devices (Elson, [0132], fig. 16, two collaborative devices 1606), wherein each collaborative device comprises a client device and an embedded Java server (Elson, [0133], element 1706 – embedded hardware device driver corresponding to embedded Java server, and 1710 – hardware correspond to client device, see fig. 20, element 2002).
  - a registry service to which the collaborative devices are coupled for data communications (Elson, [0094], open the registry bundle access system resources via the device driver interface 601 – wireless lan in fig. 6)

- at least one registry table wherein the registry table further comprises registry records, wherein the registry records comprise registry records representing capabilities of collaborative devices, wherein the registry records representing capabilities of collaborative devices further comprise data elements describing, for each collaborative device, capabilities, tertiary relationships, and network connectivity (Elson, [0209], and [0218], registry database corresponding to registry table, it includes the device addressing of the collaborative devices, provides the capability of security, network connectivity, and the policy corresponding to the tertiary relationship);
  - a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices (Elson, [0025], [0026]);
  - means for controlling the collaborative devices in accordance with the predetermined algorithm (Elson, [0062], controlling in accordance with the predetermined security policy and resource consumption ).
4. Regarding claim 7, Elson further discloses the system of claim 6 wherein the predetermined algorithm is dedicated to a particular tertiary relationship, and the means for controlling the collaborative devices in accordance with predetermined algorithm comprises:

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- means for finding a registry record bearing a set point for the particular tertiary relationship (Elson,[0096], retrieve the corresponding ID in the registry service bundle) ;
  - means for reading a sensor value of the particular tertiary relationship; comparing the set point and the sensor value, wherein the comparing produces a comparison result (Elson, [0078], comparing the local scale to global scale, and [0186]);
  - means for finding, in dependence upon the comparison, a registry record having an identified capability appropriate to the comparison result for the particular tertiary relationship (Elson, [0146], [0147], [0150] in which logic calculation, and the policy checking corresponding to the tertiary relationship);
  - means for effecting the capability identified in found registry record (Elson, [0151], [0164]).
5. Regarding claim 8, Elson further discloses the system of claim 7 wherein means for affecting the capability identified in the found registry record includes means for requesting, by use of HTTP request, a URL identified as a network connectivity in the found registry record as a network connectivity (Elson, [0227], [0228])
6. Regarding claim 9, Elson further discloses the system of claim 7 wherein means for reading a sensor value further comprises:

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- Means for finding a registry record for a sensor for the particular tertiary relationship (Elson, [0146], [0147], [0150] ).
  - Means for effecting the capability identified in the found registry record for the sensor (Elson, [0151], [0164]).).
7. Regarding claim 10, Elson further discloses the system of claim 7 wherein means for affecting the capability identified in the found registry record includes means for requesting, by use of HTTP request, a URL identified as a network connectivity in the found registry record as a network connectivity (Elson, [0227], [0228]).
8. Regarding claims 11-15, claiming for computer program product for control of collaborative devices, have limitations corresponding to system claims 6-10. Therefore, claims 11-15 are rejected for the same reasons set forth in the Rejection of claims 6-10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/28/06  
KYL



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER